

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MASSACHUSETTS

JULIA HEAVERN, BY HER PARENTS AND)	
NEXT FRIENDS, DENISE AND PAUL HEAVERN,)	
NICOLE HEAVERN, BY HER PARENTS AND)	
NEXT FRIENDS, DENISE AND PAUL HEAVERN,)	
KERIN MITCHELL, BY HER PARENTS AND)	
NEXT FRIENDS, ELLEN AND JIM MITCHELL,)	
TAYLOR VIEIRA, BY HER PARENTS AND)	
NEXT FRIENDS, KATHY AND STEVE VIEIRA,)	C.A. NO.: 05-11170MEL
AND BRIAN VIEIRA, BY HIS PARENTS AND)	
NEXT FRIENDS, KATHY AND STEVE VIEIRA)	
Plaintiffs)	
)	
v.)	
)	
CAPITAL HOTEL COMPANY)	
Defendant)	

JOINT MOTION TO CONTINUE DEADLINES

NOW COME the parties to the above-referenced litigation and hereby request an extension of all deadlines by 90 days. As reasons therefore, counsel state that newly discovered evidence has arisen which could not have been discovered within the discovery deadlines.

Specifically, counsel for the defendant has discovered relevant information which may possibly impact causation in this case. This claim involves allegations that plaintiff suffered permanent asthma as a result of a one-time visit to a swimming pool owned by the defendant. Defense counsel has learned for the first time on November 15, 2006 that the school plaintiff attended in and around the time of her exposure, and the diagnosis a year later, is currently undergoing a mold

abatement. The defendant wishes to conduct discovery regarding the mold issue and determine whether it is a source of, or factor in, plaintiff's alleged condition. Defendant hopes to obtain documents regarding the mold issue from the town and/or abatement companies and potentially conduct limited oral discovery on the issue. This information was not discovered until recently. This mold issue needs to be investigated to properly prepare the case for trial. This Motion is brought in the interests of justice. The plaintiffs assent to this Motion.

THE PLAINTIFFS,
BY THEIR ATTORNEY,

Garrett Bradley
Garrett J. Bradley
Thornton & Naumes, LLP
100 Summer St., 30th Fl.
Boston, MA 02110

DATED: 11-21-06

THE DEFENDANTS
BY THEIR ATTORNEY,

Michael P. Johnson
Michael P. Johnson BBO# 641827
Boyle, Morrissey & Campo, P.C.
695 Atlantic Avenue
Boston, MA 02111
(617) 451-2000

CERTIFICATE OF SERVICE

Pursuant to Fed. R. Civ. P. 5(a) and/or Sup. Ct. R. 9A, I, Michael P. Johnson, do hereby certify that a copy of the foregoing documents have been served first-class postage prepaid on all parties or their representatives in this action as listed below:

COUNSEL FOR THE PLAINTIFF

Garrett J. Bradley, Esq.
Thornton & Naumes, LLP
100 Summer Street
30th Floor
Boston, MA 02110

SIGNED UNDER THE PENALTIES OF PERJURY THIS 21st DAY OF
November, 2006

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